

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC LEON CHRISTIAN,

Defendant.

2:09-cr-0303-JCM-LRL

**MINUTE ORDER**

Dated: September 21, 2010

PRESENT: THE HONORABLE LAWRENCE R. LEAVITT, United States Magistrate Judge

JUDICIAL ASSISTANT: Carol DePino RECORDER: None

COUNSEL FOR THE UNITED STATES: None Appearing

COUNSEL FOR THE DEFENDANT(S): None Appearing

Before the court is a letter from the defendant dated August 1, 2010 (#64), in which he makes a proper person request for dismissal of his case and for restitution. Construing the letter as a motion to dismiss, the government filed an opposition (#65). The government, noting that the defendant is represented by counsel and is therefore prohibited from filing motions in proper person, LR IA 10-6(a), requests that the motion be stricken.

In the letter, the defendant alleges that his current appointed attorney has refused to file a motion to dismiss on speedy trial grounds. Not so. On February 9, 2010, Mr. Myers filed on the defendant's behalf a Motion to Dismiss for Violation of the Speedy Trial Act and the Sixth Amendment (#47). The government responded on February 26, 2010. See #51. The undersigned filed a Report & Recommendation (#56) on May 3, 2010, recommending that the motion be denied. On June 8, 2010, Judge Mahan entered an order (#57) adopting the recommendation and denying the defendant's motion. The speedy trial issues have been litigated in this case.

IT IS THEREFORE ORDERED that the defendant's proper person request for dismissal and restitution (#64) is stricken.



**LAWRENCE R. LEAVITT**  
**UNITED STATES MAGISTRATE JUDGE**